U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 13141505

Date: APR. 15, 2021

Motion on Administrative Appeals Office Decision

Form I-140, Immigrant Petition for Alien Worker (Extraordinary Ability)

The Petitioner, a molecular and cellular biologist and a postdoctoral fellow at the University of [redacted], seeks classification as an individual of extraordinary ability. *See* Immigration and Nationality Act (the Act) section 203(b)(1)(A), 8 U.S.C. § 1153(b)(1)(A). This first preference classification makes immigrant visas available to those who can demonstrate their extraordinary ability through sustained national or international acclaim and whose achievements have been recognized in their field through extensive documentation.

The Director of the Nebraska Service Center denied the petition, concluding that the record did not establish, as required, that the Petitioner had satisfied at least three of the ten initial evidentiary criteria for this classification. We dismissed the Petitioner's subsequent appeal after reaching the same conclusion. The matter is now before us on a combined motion to reopen and motion to reconsider.

In these proceedings, it is the Petitioner's burden to establish eligibility for the requested benefit. *See* Section 291 of the Act, 8 U.S.C. § 1361. Upon review, we will dismiss both motions.

I. MOTION REQUIREMENTS

A motion to reopen must state new facts and be supported by documentary evidence. 8 C.F.R. § 103.5(a)(2). A motion to reconsider must (1) state the reasons for reconsideration and establish that the decision was based on an incorrect application of law or U.S. Citizenship and Immigration Services (USCIS) policy, and (2) establish that the decision was incorrect based on the evidence in the record of proceedings at the time of the initial decision. 8 C.F.R. § 103.5(a)(3).

The regulation at 8 C.F.R. § 103.5(a)(1)(i) limits our authority to reopen or reconsider to instances where the Petitioner has shown "proper cause" for that action. Thus, to merit reconsideration, a petitioner must not only meet the formal filing requirements (such as submission of a properly completed Form I-290B, Notice of Appeal or Motion, with the correct fee), but also show proper cause for granting the motion. We cannot grant a motion that does not meet applicable requirements. *See* 8 C.F.R. § 103.5(a)(4).

II. LAW

Section 203(b)(1)(A) of the Act makes immigrant visas available to individuals with extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim and whose achievements have been recognized in the field through extensive documentation. The term "extraordinary ability" refers only to those individuals in "that small percentage who have risen to the very top of the field of endeavor." 8 C.F.R. § 204.5(h)(2). The implementing regulation at 8 C.F.R. § 204.5(h)(3) sets forth a multi-part analysis. First, a petitioner can demonstrate sustained acclaim and the recognition of their achievements in the field through a one-time achievement (that is, a major, internationally recognized award). If that petitioner does not submit this evidence, then they must provide sufficient qualifying documentation that meets at least three of the ten categories listed at 8 C.F.R. § 204.5(h)(3)(i)–(x) (including items such as awards, published material in certain media, and scholarly articles).

Where a petitioner meets these initial evidence requirements, we then consider the totality of the material provided in a final merits determination and assess whether the record shows sustained national or international acclaim and demonstrates that the individual is among the small percentage at the very top of the field of endeavor. *See Kazarian v. USCIS*, 596 F.3d 1115 (9th Cir. 2010) (discussing a two-part review where the documentation is first counted and then, if fulfilling the required number of criteria, considered in the context of a final merits determination); *see also Visinscaia v. Beers*, 4 F. Supp. 3d 126, 131-32 (D.D.C. 2013); *Rijal v. USCIS*, 772 F. Supp. 2d 1339 (W.D. Wash. 2011).

III. ANALYSIS

The issue in this matter is whether the Petitioner has submitted new facts supported by documentary evidence sufficient to warrant reopening her appeal and/or established that our decision to dismiss the appeal was based on an incorrect application of law or USCIS policy.

A. Prior AAO Decision

In our decision dismissing the Petitioner's appeal, we determined that she satisfied two of the ten initial evidentiary criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x), including judging the work of others in her field at 8 C.F.R § 204.5(h)(3)(iv) and authorship of scholarly articles at 8 C.F.R. § 204.5(h)(3)(vi). We also addressed the Petitioner's claims that she satisfied the criteria relating to published materials about her, original contributions of major significance, and leading or critical roles at 8 C.F.R. § 204.5(h)(3)(iii), (v) and (viii), respectively, and determined that the evidence did not satisfy any of these criteria.

Because we concluded that the Petitioner did not meet the initial evidence requirements, we did not provide the type of final merits determination referenced in *Kazarian*, 596, F.3d at 1119-20. Nevertheless, we advised that after a review of the record in the aggregate, the Petitioner did not demonstrate that she has earned sustained national or international acclaim and is one of the small percentage who has risen to the very top of the field of endeavor, as required by section 203(b)(1)(A) of the Act and 8 C.F.R. § 204.5(h)(2).

B. Motion to Reopen

As noted, a motion to reopen must state the new facts to be provided in the reopened proceeding and be supported by affidavits or other documentary evidence. 8 C.F.R. § 103.5(a)(2). Here, the Petitioner does not raise new facts in her brief and the only new evidence she submits on motion is her updated *Google Scholar* profile dated July 2020, approximately 16 months after the filing of the petition.

Although a motion to reopen allows the submission of new evidence related to eligibility, the Petitioner must still establish that all eligibility requirements for the immigration benefit have been satisfied from the time of the filing and continuing through adjudication. 8 C.F.R. § 103.2(b)(1). Accordingly, the updated *Google Scholar* profile does not present new facts that warrant the reopening of this matter and the motion to reopen will be dismissed.

C. Motion to Reconsider

The Petitioner's motion to reconsider focuses on our determination that she did not satisfy the original contributions criterion at 8 C.F.R. § 204.5(h)(3)(v).[1] She asserts that we failed to apply the preponderance of the evidence standard in our adjudication, misapplied and misconstrued case law, and failed to consider all of the relevant evidence submitted in support of the criterion.

1. Original Contributions of Major Significance

The Petitioner maintains that she has made several original contributions of major significance in her field as evidenced by her publication in top ranked journals, citations to her published work, testimonial letters from experts in her field, and her co-invention of a patented [redacted] support system. In order to satisfy the regulation at 8 C.F.R. § 204.5(h)(3)(v), a petitioner must establish that not only has she made original contributions but that they have been of major significance in the field.[2] For example, a petitioner may show that the contributions have been widely implemented throughout the field, have remarkably impacted or influenced the field, or have otherwise risen to a level of major significance in the field.

Before proceeding to a discussion of why we are granting this criterion in this motion, we will address the Petitioner's claim that we inappropriately disregarded or gave less weight to expert testimony in the record based on an observation that the expert opinion letters, "although not identically worded" contain similarities "consistent with common origin or at least significant coaching in the composition." We noted that "USCIS may give letters diminished weight when there is evidence of common origin," citing *Surinder Singh v. BIA*, 438 F.3d 145, 148 (2d Cir. 2006) (upholding an adverse credibility determination in asylum proceedings based in part on the similarity of the affidavits). The Petitioner maintains that the Second Circuit's holding in *Singh* does not support giving "diminished

[1] Although her brief on motion primarily focuses on her original contributions, the Petitioner states that she is not conceding the leading or critical roles criterion at 8 C.F.R. § 204.5(h)(3)(viii) and requests that we review the previous arguments submitted on appeal.

[2] *See* USCIS Policy Memorandum PM 602-0005.1, Evaluation of Evidence Submitted with Certain Form I-140 Petitions; Revisions to the Adjudicator's Field Manual (AFM) Chapter 22.2, AFM Update AD11-14 8-9 (Dec. 22, 2010), https://www.uscis.gov/policymanual/HTML/PolicyManual.html (finding that although funded and published work may be "original," this fact alone is not sufficient to establish that the work is of major significance).

weight" to uncontradicted expert testimony in an immigrant petition proceeding and was thus inappropriately cited. The Petitioner also emphasizes that there are valid reasons for such letters to have similarities in format, organization, and phrasing and that such similarities did not provide sufficient basis to doubt the credibility or probative value of the letters.

Our discussion of the expert testimony in the appellate decision reflects that we did in fact give significant evidentiary weight to the submitted testimonial letters. For example, we began our analysis of the original contributions criterion with a discussion of the substantive content of this evidence and incorporated quotations from the letters of [redacted], [redacted], [redacted], [redacted] and [redacted]. We acknowledged that their letters were highly specific in describing the technical aspects of the Petitioner's original scientific research. However, we determined that the letters did not satisfy the Petitioner's burden to show the major significance of her contributions because they either did not elaborate with similar specificity on the impact or influence of her research in the field, or because, in the case of [redacted]'s letter, they focused on "pending research with the not-yet-fulfilled potential to have an impact on medical research and treatment." Accordingly, we concluded that "the letters do not adequately explain how the Petitioner's specific contributions are of major significance." We also stated:

> We do not question the competence of the various individuals to attest to technical details of the Petitioner's work. But it cannot suffice to describe that work and then assert that it is of major significance, either with no elaboration or with the contention that it will eventually lead to new treatments or methods that have yet to be discovered.

Based on the foregoing, our analysis does not reflect that we gave "diminished weight" to the expert testimony and our conclusion that the Petitioner did not meet this criterion did not hinge on a determination that the letters had a "common origin." That discussion, and the supporting citation to *Singh*, were intended to address the Petitioner's claim that the Director's initial decision had misapplied *Matter of Caron Int'l*, 19 I&N Dec. 791 (Comm'r 1988), by seemingly disregarding the Petitioner's expert opinion letters, and had "cited no basis for giving the letters diminished weight."

After consideration of the Petitioner's explanation on motion and further review of the expert testimonial letters, we agree with the Petitioner that any perceived similarities in those letters did not warrant a determination that the letters had a "common origin" or the reference to *Singh*. Further, we affirm that we do not have reason to doubt the credibility of the individuals who provided letters in support of this petition.

The Petitioner also argues that we erred in our evaluation of the original contributions criterion by overlooking or failing to address evidence that corroborates the expert opinion testimony, emphasizing that she submitted more than sufficient documentation to meet the preponderance of the evidence standard. She specifically highlights her article [redacted]' published in *Molecular Cell* in 2012 and her development of a [redacted] support system (which resulted in a publication in *Biotechnology and Bioengineering* and a Chinese patent) as her "two most important works."

With respect to the Chinese patent for a '[redacted] support system and combined type liquid storage tank," we determined that the issuance of a patent attests to the invention's originality but not

to its significance. We observed that the record did not contain evidence that the patented invention is "in use or in commercial production" and concluded that there was "no documentary evidence to establish that her role in the invention constitutes a contribution of major significance." On appeal, the Petitioner emphasizes that she submitted a letter from an executive of a Chinese company which acknowledges that the patent "was being used and saving lives, and that company was gearing up for production of her [redacted] support systems to be sold on the market."

The record reflects that, in response to a request for evidence (RFE), the Petitioner submitted an undated letter, attributed to [redacted], certifying that, in 2011, this company purchased the patent from [redacted] University. According to the letter, "[t]he patent is now being optimized for production and commercially developed for clinical applications." The letter further states that the patented technology, "improves the substance exchange efficiency and the treatment effect of a [redacted] support system," "is imperative in advancing new treatments for patients," and is "financially significant" to the company. We disagree that this brief letter provides sufficient information to document that the patented technology was already being used to treat patients. Rather, it indicates that the invention is still being "developed for clinical applications." The letter is undated and is not accompanied by evidence that the patented invention was in use at the time of filing.

We acknowledge that [redacted] of [redacted] University describes the Petitioner's research related to the patent in his letter. He states that it was published in *Biotechnology and Bioengineering*, "one of the top journals in the bioengineering field" and had been cited 38 times. However, he does not further discuss the impact or the influence of the published research, mention the patent assigned to [redacted] University or the purchase of that patent by [redacted] or otherwise provide support for the Petitioner's claim that the patented technology is "being used and saving lives."

While the Petitioner has not established that she satisfies this criterion based on her patent, we conclude, based on her arguments on motion, that she submitted sufficient evidence to establish that she meets this criterion based on the research she published in *Molecular Cell* in 2012. The Petitioner maintains that we did not consider all testimonial evidence that discusses this work and her contributions to the study, evidence demonstrating that this is the Petitioner's most cited work, and evidence that other researchers have relied on and built upon this research. Further, the record contains evidence that the Petitioner's discovery and resulting *Molecular Cell* article were reported by U.S. science news publications including *Science Signaling* and *Science Daily*, as well as in Chinese media outlets. When considered collectively, the Petitioner has provided sufficient detail to establish, by a preponderance of the evidence, the nature and significance of her contribution to this research.

Because the Petitioner has now demonstrated that she satisfies three of the initial evidentiary criteria at 8 C.F.R. 204.5(h)(3)(i)-(x), we will evaluate the totality of the evidence in the context of the final merits determination below.

2. Final Merits Determination

As the Petitioner submitted the requisite initial evidence, we will evaluate whether she has demonstrated, by a preponderance of the evidence, her sustained national or international acclaim and

that she is one of the small percentage at the very top of the field of endeavor, and that her achievements have been recognized in the field through extensive documentation. In a final merits determination, we analyze a petitioner's accomplishments and weigh the totality of the evidence to determine if their successes are sufficient to demonstrate that they have extraordinary ability in the field of endeavor. *See* section 203(b)(1)(A)(i) of the Act; 8 C.F.R. § 204.5(h)(2),(3); *see also Kazarian*, 596 F.3d at 1119-20.[3] In this matter, we determine that the Petitioner has not established her eligibility.

The record reflects that the Petitioner received her bachelor's degree at [redacted] University of Science and Technology, her master's degree in biochemistry and molecular biology from [redacted] University and her doctorate degree in internal medicine at [redacted] University in 2014. She provided evidence that she received several academic honors and scholarships from these institutions, as well as a national scholarship for graduate students awarded by China's Ministry of Education. The Petitioner completed her first postdoctoral fellowship at the Cancer Biology Department of City of Hope [redacted] in California between 2014 and 2017. As of the date of filing, she had been, employed as a postdoctoral fellow at [redacted] since 2018 in the Department of Molecular Biology and Chemistry, where her research was focused on [redacted]

As mentioned above, the Petitioner has provided evidence that she has judged the work of others through the peer review process, authored scholarly articles, and made original scientific contributions in her field. The record, however, does not demonstrate that her achievements are reflective of a "career of acclaimed work in the field" as contemplated by Congress. H.R. Rep. No. 101-723, 59 (Sept. 19, 1990).

Relating to the Petitioner's service as a judge of the work of others, an evaluation of the significance of her experience is appropriate to determine if such evidence indicates the required extraordinary ability for this highly restrictive classification. *See Kazarian*, 596 F. 3d at 1121-22.[4] Participation in the peer review process does not automatically demonstrate that an individual has the sustained national or international acclaim required for this classification. The record reflects that, as of the date of filing, the Petitioner had completed 13 manuscript reviews for *Biomedicine and Pharmacotherapy*, as well as 8 reviews for *Cancer Letters*, and 7 reviews for *Nutrients*, with the earliest review completed in April 2018. The Petitioner also submitted a "Peer Review Summary" prepared by Publons (publons.com) stating that her 28 reviews placed her "in the 91st percentile for verified review contributions on Publons up until February 2019."[5]

However, the "Peer Review Summary" from Publons.com does not provide enough information to substantiate the Petitioner's claim that her number of completed manuscript reviews places her among

[3] *See also* USCIS Policy Memorandum PM 602-0005.1, *supra*, at 4 (stating that USCIS officers should then evaluate the evidence together when considering the petition in its entirety to determine if the petitioner has established, by a preponderance of the evidence, the required high level of expertise for the immigrant classification).

[4] *See also Id.* at 13 (stating that an individual's participation as a judge should be evaluated to determine whether it was indicative of being one of that small percentage who have risen to the very top of the field of endeavor and enjoying sustained national or international acclaim).

[5] In response to the Director's RFE, the Petitioner provided an updated summary from Publons indicating that she had performed [redacted] July 2019, "placing in the 94th percentile for verified review contributions on Publons."

the small percentage at the very top of her field; it does not indicate how Publons derives its rankings, whether its statistics are based on self-reported information rather than derived from an impartial source, and how its statistics relate to the field as a whole. For these reasons, the reports from Publons do not demonstrate how the Petitioner's participation in the peer review process sets her apart from others in her field.

Based the evidence submitted, we can conclude that three scientific journals have frequently invited her to review articles in the 18 months preceding the filing of the petition and continue to do so. The record does not reflect, however, that this recent experience reflects a consistent history of participating as a peer reviewer that would contribute to a finding that she has a "career of acclaimed work in the field" as contemplated by Congress. H.R. Rep. No. 101-723 at 59.

Further, the evidence does not document, for example, the selection criteria used by the journals to identify potential peer reviewers or otherwise reflect that invitations to review manuscripts for *Biomedicine and Pharmacotherapy*, *Cancer Letters*, or *Nutrients* are only issued to top researchers who have achieved national or international acclaim. The record contains little information regarding these journals, such as their relative ranking among journals in the Petitioner's field. Overall, while we acknowledge the significant volume of recent requests the Petitioner has received to review manuscripts for three journals, the evidence does not establish that the scope of these peer review activities requires or reflects acclaim in the field, that it has resulted in her sustained acclaim, or that the nature of the peer review work she has performed to date is indicative of her placement among that small percentage at the very top of the field of endeavor. *See* 8 C.F.R. § 204.5(h)(2).

Likewise, publication of scientific research alone does not place a researcher at the very top of the field. At the time of filing, the Petitioner provided her *Google Scholar* profile reflecting that she had published 20 articles in professional journals and conference proceedings between 2009 and 2019, 15 of which had been cited by others. In support of her claim that her publication record is indicative of her placement at the top of the field, the Petitioner places particular emphasis on the ranking or impact factor of certain journals that published her work, her cumulative number of citations, and the number of citations garnered by some of her individual publications.

We acknowledge that the Petitioner has published articles in *Nature* and *Cell* publications, including *Nature Cell Biology*, *Nature Communications*, *Molecular Cell* and *Cell Reports*, as well as in other highly ranked publications.[6] Publication in a highly ranked journal in-and-of-itself, however, does not indicate a petitioner's sustained national or international acclaim. A given publication's high ranking or impact factor is reflective of the publication's overall citation rate. It does not, however, show the influence of any particular author or demonstrate how an individual's research has had an impact within the field. Several of the researchers who provided letters in support of the petition reference the Petitioner's publications in *Nature Cell Biology*, *Molecular Cell* and *Nature Communications*, comment on the journals' reputations, and indicate that they have also published their own work in these publications. For example, [redacted] principal scientist at [redacted], observes that *Nature Cell Biology* "only publishes important, original, and outstanding studies in cell

[6] The Petitioner submitted journal rankings published by Scimago Institutions Rankings (scimagojr.com) showing that *Nature Cell Biology* and *Molecular Cell* ranked 3rd and 4th among "Cell Biology" journals, *Molecular Cell* is ranked 4th among "Molecular Cell" journals, and *Cell Reports*, *Nature Communications* and *PloS Biology* are ranked 8th, 11th and 15th, respectively, among journals classified as "Biochemistry, Genetics and Molecular Biology (miscellaneous)."

biology," but her observation does not equate to a statement that the journal only publishes the work of nationally acclaimed researchers or that every article published in the journal garners its authors national or international recognition in the field.

While publishing articles in prestigious publications is noteworthy, evidence of journal rankings must be considered along with other relevant information regarding the Petitioner's publication and citation record; the reputation of a journal that published her work is not sufficient to demonstrate that the Petitioner is among the small percentage at the very top of the field. For the additional reasons discussed below, the Petitioner has not shown that her overall publication record demonstrates the required sustained national or international acclaim for this classification.

As authoring scholarly articles is often inherent to the work of scientists and researchers, the citation history or other evidence of the influence of such articles can be an indicator to determine the impact of her work, the recognition that her work has received, and whether such influence and recognition have been sustained. Such an analysis at the final merits determination stage is appropriate pursuant to *Kazarian,* 596 F. 3d at 1122. At the time of filing, the Petitioner provided evidence that her work had been cited by others 419 times, with her most cited articles receiving 116, 56, and 43 citations, respectively.[7]

Throughout this proceeding, the Petitioner has argued that citation counts are "a poor measure [of] significance in any given scientific field" and "bear little relevance to sustained acclaim."[8] Nevertheless, she has submitted evidence intended to provide additional context for her citation figures and to establish their significance. At the time of filing, she provided a chart from Thomson-Reuters' InCites Essential Science Indicators, highlighting what appear to be average citation rates for articles published between 2007 and 2017 in the research field of "Molecular Biology & Genetics." The Petitioner stated that, based on the figures provided in the chart, a similarly published researcher in this field "might be expected to receive approximately 185 citations in the same timeframe" while she received over 400, or 2.25 times the average. The Petitioner reasoned that "the amount of citations that these works have received compared to the average demonstrates that [she] and her work have received sustained acclaim in her field."

In response to the Director's RFE, the Petitioner provided a different, more recent InCites Essential Citation Indicators "baselines-percentiles" chart, with the field "Biology & Biochemistry" highlighted. She compared her cumulative citations for articles published between 2009 and 2019 with the 50th percentile citation figures provided on the chart and emphasized that her 466 cumulative citations were 3.24 times higher than the median baseline figure. We discussed this evidence in our previous decision, noting that, when comparing the two charts, the "Biology & Biochemistry" research field

[7] These citation figures are for the Petitioner's 2012 *Molecular Cell* article, her 2016 *Nature Cell Biology* article, and her 2013 *Biotechnology and Bioengineering* article, as of March 2019. The updated *Google Scholar* profile she submits on motion, which includes additional articles published in 2019 and 2020, indicates 651 cumulative citations. The article in *Molecular Cell* remains her most cited publication, with 128 citations as of July 2020.

[8] The Petitioner acknowledged that there are researchers who have garnered thousands of citations for their work, but states that they "have generally been able to do so because they are frequently named as the 'corresponding author' for several publications," or "[i]n other words, these authors are credited for leading the lab in which the studies were performed – not for executing the studies or publishing the work." She did not, however, provide any corroborating evidence to support this argument or her position that citations are irrelevant to her eligibility for this classification.

has substantially lower average citation rates than the "Molecular Biology & Genetics" field initially selected as an appropriate point of comparison. She did not explain why a different research field was selected at the time of the RFE response.

We agree with the Petitioner that there is no threshold number of citations that must be met for an individual to demonstrate her extraordinary ability in the sciences. Nevertheless, we must review her publication and citation record in context and it is her burden to establish that she is more likely than not in that small percentage of researchers at the very top of her field. As we noted above and discussed in our prior decision, the evidence she submits to show more specifically where her published work stands in relation to others is incomplete and inconsistent, and the Petitioner's motion does not address this deficiency.

We acknowledge that [redacted] who runs the [redacted] laboratory where the Petitioner works, comments on the Petitioner's cumulative citations. She states that "compared to traditional [redacted] research, [redacted] is a relatively new field," and that "it is not surprising that the citation number is lower compared to other traditional [redacted] studies." [redacted] observes that she has "seen young assistant professors and even associate professors in our field, who do not have the citations that [the Petitioner] has" and states that she considers the Petitioner's number of citations to be "very impressive." As of the date of filing, the Petitioner was working as a postdoctoral fellow, approximately five years removed from completion of her Ph.D. [redacted]'s observation she has more citations than some scientists in her specific field who are somewhat more advanced in their careers is not sufficient to support a finding that her overall body of research has been recognized at a level that places her in the small percentage at the top of that field.

The information provided from InCites Essential Science Indicators shows that several of the Petitioner's individual published papers have higher-than-average citation rates in the "Molecular Biology & Genetics" field, and citation rates that would place them among the top 10% of papers published in the "Biology and Biochemistry" research field in the same year. The Petitioner's 2012 *Molecular Cell* article meets the top 10% threshold according to this metric, but there is a significant gap between articles that meet this threshold (49 citations) and the most cited papers in the field (3,091 citations at the top 0.01%, 569 at the top 0.1%).

We also recognize that the Petitioner has continued to publish her work and that her number of citations increased considerably after the date of filing. For example, her 2016 *Nature Cell Biology* article, which had 56 citations at the time of filing, had 121 citations according to the *Google Scholar* profile submitted in support of the motion. Continued citation of the Petitioner's work after the filing date speaks to the significance of that work, which we have granted, above; but it cannot retroactively establish eligibility at the time of filing. The Petitioner must meet all eligibility requirements at the time of filing. 8 C.F.R. § 103.2(b)(1).

While the Petitioner's citations, both individually and collectively, show that the field has noticed her work, she did not establish that such rates of citation are sufficient to demonstrate a level of interest in her field commensurate with sustained national or international acclaim or represent attention at a level consistent with being among small percentage at the very top of her field. *See* 8 C.F.R. § 204.5(h)(2).

Most of the Petitioner's arguments on motion focus on her original research contributions. The issue before us in the final merits determination is whether the Petitioner has received recognition for those contributions that establishes her sustained national or international acclaim and that has elevated her to the very top of her field. The Petitioner has shown that the work she has performed during her graduate studies and postdoctoral fellowships is important research that has contributed to scientific understanding of [redacted] processes and which may lead to improved diagnostic capabilities and therapeutic strategies for [redacted] and other diseases. [redacted]'s letter establishes that the Petitioner is a valuable contributor to her laboratory at [redacted] while [redacted] of [redacted] University, comments on the laboratory's reputation, noting that [redacted]'s lab is a leading expert in [redacted] studies." [redacted] praises the Petitioner's work at [redacted] as "outstanding" and states that she is an "asset to the biomedical research community." However, this evidence does not lead to a determination that the Petitioner enjoys sustained national or international acclaim.

As discussed, the Petitioner has established that she is the co-inventor of a patented [redacted] system that is being "optimized for production and commercially developed for clinical applications," but she has not demonstrated any individual recognition she received as one of 13 co-inventors of the patented invention. The Petitioner has also emphasized that GeneCards, described as "a searchable, integrative database that provides comprehensive, user-friendly information on all annotated and predicted human genes," lists her 2019 *Nature Communications* article under the entry for the [redacted] as the "primary source" of information about the gene. In response to the RFE, the Petitioner stated that "an entry like this will be read and used by every scientist in the world who investigates or works with this gene," and claimed that "[a] Genecard Entry such as this giving the author of the article that elucidated the function and effects of this gene is instant international notoriety." While a letter from [redacted], who co-authored this article, discusses the Petitioner's important contributions to the project and the significance of the discovery, she does not mention the GeneCards entry as an indicator that the Petitioner received individual recognition for her discovery, much less "instant international" acclaim in the field. Further, it is unclear that the inclusion of the Petitioner's article on the GeneCards entry occurred prior to the filing of the petition, as it was submitted for the first time in response to the RFE.

The evidence related to the Petitioner's other contributions demonstrates that her work has been relied on by other researchers who have cited to her publications, and has a number of potential applications, but does not demonstrate how her activities have garnered her national and international acclaim. For example, the Petitioner submitted evidence that the research findings of her 2012 *Molecular Cell* article were reported by science-related media outlets in the United States and China. As noted above, this evidence supports the significance of those findings. However, although the Petitioner contributed to the research and authored the paper, the media reports do not single her out or acknowledge her for her findings.

The recommendation letters in the record summarize the Petitioner's research, speak to its originality and potential to impact further research and therapeutic treatments, and comment on its publication in prestigious journals. While some of the authors assert that they consider the Petitioner to be at the top of their shared research field, they do not elaborate on how she has garnered the necessary sustained national or international acclaim to elevate her to that level. For instance [redacted] states that the Petitioner "is unquestionably one of the top research scientists in her field in the world." [redacted]

[redacted] Professor and Principal Investigator at [redacted] University indicates that the Petitioner "has emerged as one of the outstanding scientists in the world in the rapidly developing area of [redacted] research." Similarly, [redacted] of University of [redacted] indicates that the Petitioner "clearly is one of the top scientists in her field" and "has proven herself to be an extraordinary scientist." In addition, at least three of the letters point to the Petitioner's employment at [redacted] as evidence of her standing in the field, noting that the university "only takes the best scientists from around the world."

While these letters contain claims regarding the Petitioner's standing in her field, the statute nevertheless demands "extensive documentation" of her recognition. Section 203(b)(1)(A)(i) of the Act. We emphasize that we find that the expert recommendation letters to be credible in their descriptions of the Petitioner's research, its significance and its potential, and the authors are sincere in their assessment of her abilities as a scientist. However, the letters are not supported by sufficient evidence that the Petitioner's publications, peer review activities, and research contributions to date have resulted in her being viewed by the overall field as among that small percentage at the very top of the field of endeavor. *See* 8 C.F.R. § 204.5(h)(2). The Petitioner did not establish that she has received widespread recognition for her achievements and is recognized by the greater field as having a career of acclaimed work. *See* H.R. Rep. No. at 59.

The record as a whole, including the evidence discussed above, does not establish the Petitioner's eligibility for the benefit sought. As noted in our prior decision, the Petitioner is in the early stages of what promises to be a very successful career in the sciences, but she seeks a highly restrictive visa classification, intended for individuals already at the top of their respective fields. USCIS has long held that even athletes performing at the major league level do not automatically meet the statutory standards for classification as an individual of "extraordinary ability." *Matter of Price*, 20 I&N Dec. 953, 954 (Assoc. Comm'r 1994). While the Petitioner need not establish that there is no one more accomplished to qualify for the classification sought, we find the record insufficient to demonstrate that she has sustained national or international acclaim and is among the small percentage at the top of her field. *See* section 203(b)(1)(A)(i) of the Act; 8 C.F.R. § 204.5(h)(2).

IV. CONCLUSION

For the reasons discussed above, the Petitioner has not shown proper grounds for reopening. We have reconsidered our previous determination that the Petitioner did not meet the initial evidence requirements at 8 C.F.R. § 204.5(h)(3)(i)-(x), and again we conclude that the Petitioner has not demonstrated her eligibility for the classification sought. Accordingly, the motions will be dismissed.

ORDER: The motion to reopen is dismissed.

FURTHER ORDER: The motion to reconsider is dismissed.